

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND BROWN,

Plaintiff,

v.

Case No. 07-14955

BLAINE LAFLER, et al.,

HONORABLE AVERN COHN

Defendants.

_____/

ORDER LIFTING STAY

I.

This is a pro se prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff, an inmate in the custody of the Michigan Department of Corrections at Ryan Correctional Facility (RCF), claims that Defendants violated his Eighth Amendment right by failing to provide him with timely and adequate medical care following a slip and fall accident on prison grounds.

On June 12, 2009, a magistrate judge issued a Report and Recommendation (MJRR) recommending that summary judgment be granted in favor of Defendants because Plaintiff's official capacity claims are barred by the Eleventh Amendment and Defendants are entitled to qualified immunity with regard to Plaintiff's individual capacity claims. The magistrate judge further recommended that summary judgment be granted in favor of certain Defendants because Plaintiff did not meet his burden of showing that these individuals were personally involved in his medical care.

Plaintiff filed objections to the MJRR. In his objections, Plaintiff stated, among other things, that he has been granted parole and will be released from prison on September 9, 2009. Plaintiff also requested a continuance so that he can hire an attorney to properly present his case to the Court.

On August 3, 2009, the Court granted Plaintiff's request for a continuance and stayed proceedings "until the earlier of November 1, 2009, or the date on which an attorney enters an appearance on Plaintiff's behalf. Plaintiff shall have 20 days from such date to file renewed objections to the R&R." See Order Staying Proceedings, filed August 3, 2009 at p. 2.

II.

Plaintiff took no action until October 28, 2009 when he filed a paper requesting an extension of time to obtain legal counsel. Plaintiff also said that the parole board rescinded his release date and delayed his release. He further said he expected to be moved to a re-entry facility in early November and would advise the Court of his new address once moved. Plaintiff gave no indication that he has made efforts to obtain counsel. Instead, he sought an unspecified amount of time to seek an attorney.

To date, Plaintiff has not notified the Court of a new address. Moreover, the Michigan Offender Tracking System (OTIS) record states that Plaintiff is still housed at RCF and there is no indication of a pending parole.¹

¹OTIS shows Plaintiff's earliest release date is March 13, 2007 and his maximum release date is March 13, 2022.

III.

Under these circumstances, the stay is LIFTED. Plaintiff has twenty (20) days from the date of this order to supplement his objections to the MJRR. After either the receipt of Plaintiff's supplemental objections or the expiration of the 20 days, the Court will consider the objections and determine whether to adopt the MJRR.

SO ORDERED.

Dated: January 15, 2010

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Raymond Brown, 428924, Ryan Correctional Facility, 17600 Ryan Road, Detroit, MI 48212 and the attorneys of record on this date, January 15, 2010, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160